

# SENATE AMENDMENTS

2<sup>nd</sup> Printing

By: Villalba, Oliveira

H.B. No. 1736

A BILL TO BE ENTITLED

AN ACT

relating to building energy efficiency performance standards.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 388.003, Health and Safety Code, is amended by amending Subsections (a), (b), (b-2), (b-3), (d), and (i) and adding Subsections (j) and (k) to read as follows:

(a) To achieve energy conservation in single-family residential construction, the energy efficiency chapter of the International Residential Code, as it existed on May 1, 2001, is adopted as the energy code in this state for single-family residential construction. On September 1, 2016, the energy efficiency chapter of the International Residential Code, as it existed on May 1, 2015, is adopted as the energy code in this state for single-family residential construction. On or after September 1, 2021, the State Energy Conservation Office may adopt and substitute for that energy code the latest published edition of the energy efficiency chapter of the International Residential Code, based on written findings on the stringency of the chapter submitted by the laboratory under Subsection (b-3). The office:

(1) may not adopt an edition under this subsection more often than once every six years; and

(2) by rule shall establish an effective date for an adopted edition that is not earlier than nine months after the date of adoption.

1 (b) To achieve energy conservation in all other  
2 residential, commercial, and industrial construction, the  
3 International Energy Conservation Code as it existed on May 1,  
4 2001, is adopted as the energy code for use in this state for all  
5 other residential, commercial, and industrial construction. The  
6 State Energy Conservation Office may adopt and substitute for that  
7 energy code the latest published edition of the International  
8 Energy Conservation Code, based on written findings on the  
9 stringency of the edition submitted by the laboratory under  
10 Subsection (b-3). The office by rule shall establish an effective  
11 date for an adopted edition that is not earlier than nine months  
12 after the date of adoption.

13 (b-2) The State Energy Conservation Office by rule shall  
14 establish a procedure for persons who have an interest in the  
15 adoption of energy codes under Subsection (a) or (b) [~~(b-1)~~] to have  
16 an opportunity to comment on the codes under consideration. The  
17 office shall consider persons who have an interest in adoption of  
18 those codes to include:

19 (1) commercial and residential builders, architects,  
20 and engineers;

21 (2) municipal, county, and other local government  
22 authorities; [~~and~~]

23 (3) environmental groups; and

24 (4) manufacturers of building materials and products.

25 (b-3) The [~~In developing written recommendations under~~  
26 ~~Subsection (b-1), the~~] laboratory shall:

27 (1) submit to the State Energy Conservation Office

1 written findings on the stringency of the latest published edition  
2 of the International Residential Code energy efficiency provisions  
3 only if the date of the edition allows the office to adopt the  
4 edition under Subsection (a)(1);

5 (2) submit to the State Energy Conservation Office  
6 written findings on the stringency of the latest published edition  
7 of the International Energy Conservation Code not later than six  
8 months after publication of a new edition; and

9 (3) in developing the findings, consider the comments  
10 submitted under Subsection (b-2).

11 (d) A municipality [~~or county~~] may establish procedures to  
12 adopt local amendments to the International Energy Conservation  
13 Code and the energy efficiency chapter of the International  
14 Residential Code. Notwithstanding the requirements of Subsection  
15 (e), a municipality located in an area defined by Section  
16 388.002(11) or in an affected county may establish procedures to  
17 adopt local amendments to the energy rating index in an optional  
18 compliance path of an energy code adopted under this section.

19 (i) A building certified by a national, state, or local  
20 accredited energy efficiency program and determined by the  
21 laboratory to be in compliance with the energy efficiency  
22 requirements of this section may, at the option of the  
23 municipality, be considered in compliance. The United States  
24 Environmental Protection Agency's Energy Star Program  
25 certification of energy code equivalency shall be considered in  
26 compliance. An energy rating index in an optional compliance path  
27 of an energy code described by Subsection (j) shall be considered in

1 compliance.

2 (j) For the purposes of this chapter, the Energy Rating  
3 Index used to measure compliance for single-family residential  
4 construction in an optional compliance path of an edition of the  
5 energy efficiency chapter of the International Residential Code  
6 that uses an energy rating index is as follows:

7 (1) for climate zone 2, an energy rating index of:

8 (A) 65 or lower from September 1, 2016, to August  
9 31, 2019;

10 (B) 63 or lower from September 1, 2019, to August  
11 31, 2022; and

12 (C) 59 or lower on or after September 1, 2022;

13 (2) for climate zone 3, an energy rating index of:

14 (A) 65 or lower from September 1, 2016, to August  
15 31, 2019;

16 (B) 63 or lower from September 1, 2019, to August  
17 31, 2022; and

18 (C) 59 or lower on or after September 1, 2022; and

19 (3) for climate zone 4, an energy rating index of:

20 (A) 69 or lower from September 1, 2016, to August  
21 31, 2019;

22 (B) 67 or lower from September 1, 2019, to August  
23 31, 2022; and

24 (C) 63 or lower on or after September 1, 2022.

25 (k) This subsection and Subsection (j) expire September 1,  
26 2025.

27 SECTION 2. The following provisions of the Health and

1 Safety Code are repealed:

2 (1) Section 388.003(b-1), as added by Chapter 262  
3 (S.B. 12), Acts of the 80th Legislature, Regular Session, 2007; and

4 (2) Section 388.003(b-1), as added by Chapter 939  
5 (H.B. 3693), Acts of the 80th Legislature, Regular Session, 2007.

6 SECTION 3. This Act takes effect immediately if it receives  
7 a vote of two-thirds of all the members elected to each house, as  
8 provided by Section 39, Article III, Texas Constitution. If this  
9 Act does not receive the vote necessary for immediate effect, this  
10 Act takes effect September 1, 2015.

FLOOR AMENDMENT NO. 1

BY Fraser

Amend H.B. No. 1736 as follows:

- (1) In Subsection (d) of SECTION 1 of the bill (Committee Printing page 2, lines 27-28) strike lines 27-28 and insert "adopt local amendments to the Energy Rating Index Compliance Alternative or subsequent alternative compliance path as described by Subsection (j)."
- (2) In Subsection (i) of SECTION 1 of the bill (Committee Printing page 2, lines 36-37) strike lines 36-37 and insert "compliance. The Energy Rating Index Compliance Alternative or subsequent alternative compliance path as described by Subsection (j) shall be considered in".
- (3) In Subsection (j) of SECTION 1 of the bill (Committee Printing page 2, line 40) between "Index" and "used" insert "Compliance Alternative or subsequent alternative compliance path".
- (4) In Subsection (j) of SECTION 1 of the bill (Committee Printing page 2, line 41) strike "an edition of".

**ADOPTED**

MAY 20 2015

*Arlene Spaw*  
Secretary of the Senate

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION**

**May 21, 2015**

**TO:** Honorable Joe Straus, Speaker of the House, House of Representatives

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB1736** by Villalba (Relating to building energy efficiency performance standards.), **As Passed 2nd House**

<b>No significant fiscal implication to the State is anticipated.</b>
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The bill would amend the Health and Safety Code regarding building energy efficiency performance standards. The State Energy Conservation Office (SECO) adoption of new energy codes would be based on the written findings from the Energy Systems Laboratory (ESL) of the Texas A&M Engineering Experiment Station (TEES), on the stringency of energy code editions. SECO could choose to amend or establish an energy rating index used to measure compliance to the Energy Rating Index Compliance Alternative or subsequent alternative compliance path of an energy code. SECO may adopt a residential energy code edition no more than once every six years beginning on or after September 1, 2021. By rule, SECO would establish an effective date for an adopted edition. Although provisions related to the review and submittal of findings on the stringency of new editions of energy codes may result in costs associated with those additional responsibilities for ESL, this estimate assumes those costs would not be significant and could be absorbed using existing resources.

The bill would take effect immediately if it receives a vote of two-thirds of all the members elected to each house. Otherwise, the bill takes effect September 1, 2015.

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 304 Comptroller of Public Accounts, 712 Texas A&M Engineering Experiment Station

**LBB Staff:** UP, SZ, CL, JJ, PM

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION**

**May 6, 2015**

**TO:** Honorable Troy Fraser, Chair, Senate Committee on Natural Resources & Economic Development

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE:** HB1736 by Villalba (Relating to building energy efficiency performance standards.), As Engrossed

**No significant fiscal implication to the State is anticipated.**

The bill would amend the Health and Safety Code regarding building energy efficiency performance standards. The State Energy Conservation Office (SECO) adoption of new energy codes would be based on the written findings from the Energy Systems Laboratory (ESL) of the Texas A&M Engineering Experiment Station (TEES), on the stringency of energy code editions. According to SECO, the agency could choose to amend or establish an energy rating index used to measure compliance in a voluntary compliance path of an energy code edition before adopting the edition. SECO may adopt a residential energy code edition no more than once every six years beginning on or after September 1, 2021. By rule, SECO would establish an effective date for an adopted edition. Although provisions related to the review and submittal of findings on the stringency of new editions of energy codes may result in costs associated with those additional responsibilities for ESL, this estimate assumes those costs would not be significant and could be absorbed using existing resources.

The bill would take effect immediately if it receives a vote of two-thirds of all the members elected to each house. Otherwise, the bill takes effect September 1, 2015.

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 304 Comptroller of Public Accounts, 712 Texas A&M Engineering Experiment Station

**LBB Staff:** UP, SZ, CL, JJ, PM

**LEGISLATIVE BUDGET BOARD  
Austin, Texas**

**FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION**

**April 17, 2015**

**TO:** Honorable René Oliveira, Chair, House Committee on Business & Industry

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB1736** by Villalba (Relating to building energy efficiency performance standards.),  
**Committee Report 1st House, Substituted**

**No significant fiscal implication to the State is anticipated.**

The bill would amend the Health and Safety Code regarding building energy efficiency performance standards. The State Energy Conservation Office (SECO) adoption of new energy codes would be based on the written findings from the Energy Systems Laboratory (ESL) of the Texas A&M Engineering Experiment Station (TEES), on the stringency of energy code editions. According to SECO, the agency could choose to amend or establish an energy rating index used to measure compliance in a voluntary compliance path of an energy code edition before adopting the edition. SECO may adopt a residential energy code edition no more than once every six years beginning on or after September 1, 2021. By rule, SECO would establish an effective date for an adopted edition. Although provisions related to the review and submittal of findings on the stringency of new editions of energy codes may result in costs associated with those additional responsibilities for ESL, this estimate assumes those costs would not be significant and could be absorbed using existing resources.

The bill would take effect immediately if it receives a vote of two-thirds of all the members elected to each house. Otherwise, the bill takes effect September 1, 2015.

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 304 Comptroller of Public Accounts, 712 Texas A&M Engineering Experiment Station

**LBB Staff:** UP, CL, JJ, PM

**LEGISLATIVE BUDGET BOARD  
Austin, Texas**

**FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION**

**April 6, 2015**

**TO:** Honorable René Oliveira, Chair, House Committee on Business & Industry

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB1736** by Villalba (Relating to building energy efficiency performance standards; establishing the Building Energy Efficiency Advisory Committee.), **As Introduced**

**No significant fiscal implication to the State is anticipated.**

The bill would amend the Health and Safety Code regarding building energy efficiency performance standards. The State Energy Conservation Office (SECO) adoption of new energy codes would be based on the written findings from the Energy Systems Laboratory (ESL) of the Texas A&M Engineering Experiment Station (TEES), on the stringency of energy code editions and comments and recommendations from the newly established Building Energy Efficiency Advisory Committee, of which SECO would appoint committee members no later than January 1, 2016. Although provisions related to the review and submittal of findings on the stringency of new editions of energy codes may result in costs associated with those additional responsibilities for ESL, this estimate assumes those costs would not be significant and could be absorbed using existing resources.

The bill would take effect immediately if it receives a vote of two-thirds of all the members elected to each house. Otherwise, the bill takes effect September 1, 2015.

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 304 Comptroller of Public Accounts, 712 Texas A&M Engineering Experiment Station

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